

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lewis Allen Gates,)	C/A No. 2:20-cv-1874-SAL
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Spartanburg County Detention Center,)	
)	
Defendant.)	
_____)	

This matter is before the court for review of the March 15, 2021 Report and Recommendation of United States Magistrate Judge Mary Gordon Baker (the “Report”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 10.] In the Report, the Magistrate Judge recommends dismissal of the Complaint, without prejudice and without issuance of service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b). A Notice of Right to File Objections was attached to the Report. *Id.* No party filed objections to the Report, and the time for response has lapsed.¹

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to,

¹ On June 14, 2021, Magistrate Judge Baker issued a text order noting that the Report was returned as “undeliverable” from the Spartanburg County Detention Center. [ECF No. 13.] Because Plaintiff failed to provide an updated address to the clerk of court, Magistrate Judge Baker found the Report “is ready for ruling.” *Id.* The undersigned agrees. In the August 10, 2020 Order, Plaintiff was ordered “to always keep the Clerk of Court advised **in writing** . . . if [his] address changes for any reason[.]” [ECF No. 7 at p.4 (emphasis in original).] Further, Plaintiff was advised that if he “fail[ed] to comply with this order,” his “**case may be dismissed**[.]” *Id.* at p.5 (emphasis in original). As stated therein, and reiterated here, Plaintiff’s “failure [to update his address] will not be excused by the Court.” *Id.*

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 10, and incorporates the Report by reference herein. Accordingly, Plaintiff’s Complaint is summarily **DISMISSED, without prejudice and without issuance of service of process**, pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b).

IT IS SO ORDERED.

June 21, 2021
Florence, South Carolina

/s/ Sherri A. Lydon
United States District Judge